

ESTTA Tracking number: **ESTTA655384**

Filing date: **02/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	William Castle		
Entity	Individual	Citizenship	UNITED STATES
Address	8145 Yarmouth Ave Reseda, CA 91335 UNITED STATES		

Correspondence information	William Castle 8145 Yarmouth Ave Reseda, CA 91335 UNITED STATES William.castle@live.com Phone:(818) 268-3690
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Applicant Information

Application No	86386076	Publication date	02/10/2015
Opposition Filing Date	02/11/2015	Opposition Period Ends	03/12/2015
Applicant	Frost, Dan 17412 Ventura blvd. #174 Encino, CA 91316 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment in the nature of live visual and audio performances by a musical act; multimedia entertainment services in the nature of recording, production and post-production services in the field of music and video; entertainment services by a musical artist and producer, namely, musical composition for others and production of musical sound recordings; providing an Internet website portal in the field of music; entertainment services, namely, providing non-downloadable playback of music via global communications networks

Grounds for Opposition

Immoral or scandalous matter	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	I have been using the mark in commerce since 2007 selling merchandise and event tickets. Merchandise including CDs, DVDs, clothing, buttons, stickers, posters, etc. We have an online store on our website Psychedellica.com

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PSYCHEDELLICA		
Goods/Services	Entertainment in the nature of live visual and audio performances by a musical act; multimedia entertainment services in the nature of recording, production and post-production services in the field of music and video; entertainment services by musical artists , musical compositions for others and production of musical sound recordings; providing an internet website portal (Psychedellica.com) in the field of music; entertainment services, namely, providing non-downloadable playback of music via global communications networks		

Related Proceedings	I have been using the mark PSYCHEDELLICA since 2007 as my music groups name. I have been using the mark in commerce selling merchandise and event tickets since 2007.
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/WilliamCastle/
Name	William Castle
Date	02/11/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 86386076

For the mark PSYCHEDELLICA

Published in the Official Gazette on 2/10/15

(William Castle)

V

(Dan Frost)

NOTICE OF OPPOSITION

William Castle

8145 Yarmouth Ave

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(818) 268-3690

Psychedellica.com

The above-identified opposer believes that he and his band (PSYCHEDELLICA) will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

- 1) I, William Castle have been using the mark PSYCHEDELLICA since 2007 as the name of my band . I have been using the mark in commerce selling CDs, DVDs, t-shirts, stickers, buttons etc. for promotional purposes. I have been selling merchandise via our

live events and our online store on our website. I have played over 200 events using the name, which I have sold tickets for dating back as far as 2007. I have also been using the domain name Psychedellica.com since 2010. On 1/10/15 I released a music video via Youtube. I also have an album being released on 3/10/15. In my time using the mark Psychedellica as the name of my band, I have established a fan base of over 1000 people.

2) Upon registration of the mark to Dan Frost, I feel like my bands name Psychedellica will be damaged. Any person looking to purchase an event ticket or band merchandise will have conflicting web searches. My band Psychedellica is my main source of income and that will be damaged if I am unable to use the mark due to Dan Frost registering the trademark. Also any potential investors or music labels will deny working with a band with a name that belongs to someone else.

3) Dan Frost is an ex roommate of mine that was evicted. Since his eviction he has been harassing me to the point of a legal restraining order which was approved on 8/28/14. His filing for the trademark is yet another form of harassment against me. Feel free to contact the detective on the harassment case. He is aware of Dan Frosts filing for the trademark. Detective Le Duff (818) 374-7803

Psychedellica.com

Facebook.com/psychedellica2012

Reverbnation.com/psychedellica

Soundcloud.com/psychedellica

Youtube.com/psychedellicaofficial

Twitter.com/psychedellica

By



William Castle

Date 2/10/15